



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## Decision

**Matter of:** Matanuska Maid  
**File:** B-235607.2  
**Date:** June 30, 1989

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### DIGEST

Dismissal of protest is affirmed on reconsideration where protester's argument in essence remains that solicitation should incorporate more restrictive delivery requirements.

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### DECISION

Matanuska Maid requests reconsideration of our May 26, 1989, dismissal of its protest of the amended specifications in request for proposals (RFP) No. DLA137-89-R-5408, issued by the Defense Logistics Agency for delivery of milk products to the commissary at Adak, Alaska. We affirm the dismissal.

In its protest, Matanuska objected to replacement of the requirement that fresh milk be delivered within 72 hours of pasteurization with the requirement that the milk have a remaining shelf life of 10 days after delivery. The protester argued that the requirement for delivery within 72 hours of pasteurization should have been retained since this was the delivery period provided for in the Commercial Item Description developed by the Department of Agriculture and used by the Department of Defense in procuring milk in states other than Alaska.

We dismissed Matanuska's protest because the protester's argument was in essence that the less restrictive delivery requirements should be changed back to the more restrictive ones. We explained in our dismissal notice that since our role in resolving bid protests is to ensure that full and open competition in the award of government contracts is obtained, we would not consider a protest that an agency should use more restrictive specifications.

In its request for reconsideration, Matanuska contends that we misunderstood the basis for its protest. According to

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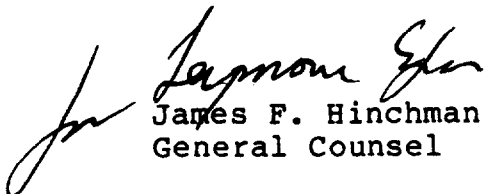
the protester, its point was that the delivery requirements for milk for Alaskan installations should be the same as those for deliveries of milk to installations in the other 49 states.

We did not misunderstand the protester's argument. We understood that it objected to the solicitation's failure to require deliveries of fresh milk within 72 hours of pasteurization, as provided for in the Commercial Item Description. Our basis for dismissing the protest, as we explained, was that we will not consider protests in which it is argued that the agency should use more restrictive specifications. In general, we will not consider such protests where as here they are based on the argument that the less restrictive requirement is contrary to the protester's business interest or contrary to the protester's view of what is best for the agency. Our reason for refusing to consider such protests, as we noted on our dismissal notice, is that our role in reviewing bid protests is to ensure that the statutory requirements for full and open competition are met, not to consider a protester's assertion that the needs of the agency can only be satisfied under more restrictive specifications than the agency believes is necessary. Petchem Inc., B-228093, Sept. 8, 1987, 87-2 CPD ¶ 228.

The protester expresses interest in obtaining documentation authorizing waiver of the Commercial Item Description's delivery requirements for procurements involving Alaskan military installations. It is not the function of our Office, however, to obtain such documents for the protester where its protest is properly dismissed.

Finally, we note that although Matanuska contends that the agency is discriminating against Alaskan businesses by not restricting the delivery requirement, we fail to see how permitting a lengthier period for delivery prevents the protester or any other Alaskan business from competing.

Our dismissal of the protest is affirmed.

  
James F. Hinchman  
General Counsel